IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 93 OF 2007

DEPUTY COLLECTOR AND S.D.O. PONDA
SUB DIVISION AND ANR., ... Appellants
Versus
BHASKAR VITHAL SINAI WAGALE ... Respondent

Ms. Winnie Coutinho,Govt. Advocate for the appellants.

Coram:- R. S. MOHITE, J.

Date:- 2nd August, 2007

P.C.

Heard the Advocate for the appellant. As per my earlier order compilation annexing all the relevant documents before reference Court is filed. Therefore, record is available to this Court. The matter concerns about the acquisition of a piece of land admeasuring 133 sq. mtrs from survey No.42/8 of village Curti for the purpose of widening two lanes of national High Way No.4A. The notification U/s.4 was published in the official gazette. The award is declared on 15.3.94 and corrigendum is dated 16.4.2001. In the award the Land Acquisition Officer classified the land as Bharad land and awarded compensation @ Rs.9/- per sq. mtrs. The compensation was accepted under protest but the appellant claimed enhanced compensation @ Rs.120/- per sq. mtrs. Hence, reference was came to be made and in the reference, the District Judge, Panji has enhanced the compensation to Rs.30/- per sq. mtr. I have perused the record and judgment passed by the District Judge. After perusing the evidence before the reference Court, it is seen that the respondent produced an instance sale deed at Exh.15 which is in respect of land situated in close vicinity of the acquired land. The sale deed dated 5/4/89 pertained to land owned by Pandurang Verenkar and the land was of area sold was 354 sq. mtrs. The rate of consideration for the sale was Rs.160/-

per sq.mtr. I have perused the judgment. It indicates that since the instance plot was developed 40 % deduction given on this account. Since the instance plot was slightly nearer to Ponda town further deduction of 35 % has been given and lastly, since the part of acquired plot is abutting the High way and in set back area yet another deduction of 45 % is given. Thus, the rate on which the instance plot was sold i.e. @ Rs.160/- sq. mtr. was reduced to 30/- sq.mtr. The record further indicates that yet another land belonging to Pandurang Verenkar was also acquired and the reference Court had enhanced the compensation for Rs.140/- sq. mtrs. This is being situation, I find no substance in the first appeal and hence, same is rejected.

R. S. MOHITE, J.

SMA